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REMARKS

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1-9 are currently pending in the instant application. Claims 7-9 have been amended to clarify that the pointer indicates a storage location of the data in the personal computer of the client. Applicant submits that these amendments are fully supported by the original written description, including, but not limited to FIGs. 1 and 6 and the corresponding description in the specification. Claims 1 and 6-9 are independent. Reconsideration of the present application is earnestly solicited.

Reasons for Entry of Amendment

As discussed in greater detail hereinafter, Applicant respectfully submits that the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 are improper and should be withdrawn. Accordingly, if the present application is not permitted to issue, Applicant submits that the finality of the Final Office Action mailed on July 15, 2004 should be withdrawn.

In accordance with the requirements of 37 CFR 1.116, Applicant respectfully requests entry and consideration of the foregoing amendments as

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they remove issues for appeal (clarify the material data storage location) and place the current application in a condition for allowance.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dane et al. (WO 99/19811). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicant submits that this rejection has been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejections, but merely to expedite the prosecution of the present application, Applicant has amended claims 7-9 to clarify the claimed invention for the benefit of the Examiner. In addition, Applicant submits that the prior art of record fails to teach or suggest each and every element of the unique combination of elements of the claimed invention of the independent claims.

The Examiner has also indicated that claim 5 is rejected under 35 U.S.C. § 102(b) as being anticipated by Dane et al. However, Applicant submits that the Examiner's own comments on page 5 of the Final Office Action clearly indicate that Dane et al. does not teach or suggest each and every limitation of the combination of limitations of the claimed invention. Accordingly, the

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rejection under 35 U.S.C. § 102(b) of claim 5 is improper and should be withdrawn.

Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of claim 1, including the feature(s) of: "at least one output server for outputting the material data based on the order information provided from the client or clients, the order information including a pointer for indicating a storage location of the material data *other than the output server or output servers*; and *the output server or output servers obtaining the material data by accessing the storage location other than the output server or output servers* based on the pointer included in the order information." (Emphasis added) Accordingly, these rejections should be withdrawn.

Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of claim 6, including the feature(s) of: "A computer-readable recording medium storing order information for ordering output of material data, the order information including *a pointer for indicating a storage location of the material data.*" (Emphasis added) Accordingly, these rejections should be withdrawn.

The prior art of record fails to teach or suggest the pointer of the claimed invention of claims 1 and 6. The Examiner suggests that "a pointer to the data

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is inherently implied in a system in which orders for prints of the data are sent to a server that does not have said data." (see paragraph 1, page 3 of the Final Office Action) However, the Examiner's insistence on the "inherent" presence of a pointer to the data in the Dane reference is respectfully traversed as the references of the prior art of record relied upon by the Examiner do not provide any teaching or suggestion to include this feature. Further, even if Dane implicitly included a pointer as suggested by the Examiner, this pointer would clearly not be a pointer for indicating a storage location of the material data *other than the output server or output servers*; and *the output server or output servers obtaining the material data by accessing the storage location other than the output server or output servers* based on the pointer included in the order information. In Dane, the alleged output server does store the images. Therefore, the alleged pointer of Dane cannot reasonably be construed to refer to material data located other than in the output server or output servers.

In addition, the Examiner has suggested that the output servers 20 (or 30) obtain the material data from either the server 10 or the photographer. However, this interpretation is incorrect as the server 10 stores the material data in Dane, even if it is obtained from the photographer (uploaded). Dane actually describes that image data, obtained by the photographer 16, or

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obtained at the laboratory 20, is sent to the server 10 (page 5, line 26 through page 6, line 2). Therefore, the image date is always stored in the server 10 in Dane. The Examiner has pointed out in the Office Action that a printing and shipping facility 30 obtains material data from the server 10 in Dane. However, since the image data is stored in the server 10, when order information is sent to the printing and shipping facility 30, and the order is processed by the printing and shipping facility 30, the printing and shipping facility 30 accesses the server 10 to obtain the image data. Hence, the printing and shipping facility 30 needs to refer to the order information in the server 10 to obtain the image data. Therefore, the pointer of the claimed invention is not taught or suggested by the Dane reference.

Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of claim 7, including the feature(s) of: "outputting material data according to order information including *a pointer for indicating a storage location of the material data in a personal computer of a client*, the order output method comprising the steps of: *obtaining the material data by accessing the storage location in the personal computer of the client based on the pointer included in the order information.*" (Emphasis added) Accordingly, these rejections should be withdrawn.

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Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of claim 8, including the feature(s) of: *"outputting material data according to order information including a pointer for indicating a storage location of the material data in a personal computer of a client,* the order output apparatus comprising: acquisition means for *obtaining the material data by accessing the storage location in the personal computer of the client based on the pointer included in the order information."* (Emphasis added) Accordingly, these rejections should be withdrawn.

Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of claim 9, including the feature(s) of: *"outputting material data based on order information including a pointer for indicating a storage location of the material data in a personal computer of a client,* the program comprising the procedures of: *obtaining the material data by accessing the storage location in the personal computer of the client based on the pointer included in the order information."* (Emphasis added) Accordingly, these rejections should be withdrawn.

Claims 7-9 of the present application previously recited that the material data was not stored in the output server. In order to further clarify the claimed invention for the benefit of the Examiner, Applicant has amended these claims

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to state that the material data is stored in a personal computer of the client to clearly distinguish the claimed invention from the shipping facility and processing example relied upon by the Examiner in the Final Office Action.

The Dane reference does not teach or suggest accessing any material data stored in a personal computer of a client based on a pointer. Accordingly, Applicant submits that the prior art of record fail to teach or suggest each and every feature of the claimed invention emphasized hereinabove. Dane et al. describe orders being transmitted to a photofinishing lab 20 and the orders (i.e. printing) being fulfilled in the photofinishing lab 20 (page 6, lines 13-14). However, the photofinishing lab 20 obtains image data by accessing a photographer 16 or an E-Prings™ 10 (relay server) in Dane et al and/or Fredlund et al.

In contrast, a "pointer" indicates a location at which image data is stored in the claimed invention. Therefore, the claimed invention eliminates the redundant steps of processing methods such as that described by Dane and reduces the required time for transmitting data. As described at pages 5-6 of the present application, the present inventor has determined that in a network photographic service system of the background art,

> "a center server for collecting orders from users and transfers the necessary data and order information to the

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laboratory may be used in some cases. In such a case, the data need to be transferred twice, form the user to the center server, then from the center server to the laboratory. Therefore, data transmission is time-consuming. Especially, in the case where the center server comprises DPE stores and a server for collecting the orders from the DPE stores, the number of data transmission times increases, which leads to a substantially heavy load of data transmission. Moreover, in the laboratory, the large-size data need to be received. Therefore, high data-processing performance is necessary in the case of busy transmission of order information. As a result, installation and maintenance of the system becomes substantially costly."

Contrary to the above-quoted background art, a pointer, e.g., a URL on the Internet, UNC used in the Windows system, and the like (see page 6 of the present application) is provided for indicating a storage location of the material data in the claimed invention. An output server obtains material data by accessing the image data stored at the location indicated by the pointer. However, Dane et al. or Fredlund et al. do not teach or suggest this feature. Accordingly, this rejection should be withdrawn and the present application should be permitted to issue.

Although Dane describes that the client (guest) orders prints using the image data stored in the server 10, Dane fails to teach or even suggest that the pointer indicates a storage location of the data in the personal computer of the client, as recited in claims 7-9 of the present application.

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Claim Rejections Under 35 U.S.C. § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dane et al. in view of Fredlund et al. (U.S. Patent No. 5,666,215). This rejection is respectfully traversed.

In view of the foregoing comments with respect to claim 1 of the present application, Applicant respectfully submits that all of the rejections have been obviated and/or rendered moot. Accordingly, these rejections should be withdrawn and the present application should be permitted to issue. Applicant submits that the prior art of record fails to teach or suggest each and every element of the unique combination of elements of the claimed invention. Since Fredlund et al. fails to cure the deficiencies of the rejection to claim 1, the rejection to claim 5 is improper and should be withdrawn.

In the claimed invention, the "pointer" indicates a location at which image data is stored and the output server obtains material data by accessing the image data stored at the location indicated by the pointer. However, Dane et al. or Fredlund et al. do not disclose this feature of the present invention.

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As to the dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations originally provided by these claims.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of- the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

Applicant respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a three-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **$1,020.00** has been paid in connection with the concurrently filed Notice of Appeal.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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